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NO. 80-6298

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IN THE

SUPREME COURT OF THE UNITED STATES

---

OCTOBER TERM, 1980

---

LOIS MAE MILLS,
IN THE INTEREST OF
ARCHIE BURTON DUNCAN,
A CHILD, APPELLANT,

v.

DAN HABLUETZEL, Appellee.

---

APPEAL FROM THE COURT OF CIVIL APPEALS OF TEXAS

---

# APPELLEE'S BRIEF ON THE MERITS

---

## STATEMENT OF THE CASE

Appellee agrees with and adopts the Statement of the Case as set forth in Appellant's Brief on the Merits except to the extent that it refers to pleadings which were not in fact filed. Appellant

represents that she claimed violation of the Fourteenth Amendment of the United States Constitution in an objection to the motion to dismiss in the trial court. (App. Brief 3). No such objection appears of record (J.A. 2-10) and there was no Transcript or Statement of Facts forwarded on appeal which would substantiate that objection was made in open Court. The rights of Appellant under the United States Constitution were raised for the first time on appeal.

## SUMMARY OF THE ARGUMENT

### I.

### ENLARGEMENT OF THE TEXAS PATERNITY STATUTE FROM ONE YEAR TO FOUR YEARS

The Regular Session of the Sixty-Seventh Legislature, State of Texas, in 1981, amended Section 13.01, Texas Family Code, to enlarge the time for filing suit to establish paternity from one year

to four years, such new law to be effective September 1, 1981. Appellant takes the position that such action cannot and does not affect this case because the Texas Constitution Article I, Section 16 prohibits ex post facto or retroactive laws, citing Southern Pacific Transport Company v. State, 380 S.W. 2d (Tex. Civ. App. Hous, 1964, writ ref.)

Appellee agrees that the Texas Constitution so provides, but disagrees that such Constitutional provision prohibition is applicable in the case. The Texas Courts have, in recent years, differentiated between "substantive laws" to which such constitutional prohibition is applicable and "procedural or remedial laws" which are outside the constitutional prohibition. The Courts in the State of Texas are now holding that statutes relating to procedure or remedies do not fall within the constitutional prohibition against retroactive application of legislative enactments. Exxon

Corporation v. Brecheen, 526 S.W. 2d 519 (S. Ct. Tex 1975) Texas Dept. of Human Resouces vs. Chapman 570 2d 46 (CCA - Dal. 1978, Ref. N.R.E.)

Inasmuch as the recent action of the Texas Legislature pertains to a remedy or procedural matter, i.e., an enlargement of the time within which to establish paternity, it would appear that this appeal is affected and that perhaps the appeal is moot.

II.

EQUAL PROTECTION

Prior to the enactment of Article 13.01, Texas Family Code, effective September 1, 1975, Texas did not afford an illegitimate child an avenue, procedure or vehicle by which to establish paternity so that child support laws could be enforced against the biological father. The action taken by the 64th Legislature of Texas in 1975 was

pursuant to mandate in Gomez vs. Perez, 409 U.S. 535, 93 S. Ct. 872 (1973) which held that ... "once a State posits a judicially enforceable right on behalf of children to needed support from their natural fathers there is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural father has not married its mother."

Article 13.01 is attacked as denying child support to an illegitimate. Art. 13.01 is not a support statute. The support statutes under the Texas Family Code are: Article 12.04, 14.05, and 13.42, to which children born out of wedlock cannot avail themselves until they have established the proper male from whom to seek support.

Equal protection to support is not denied an illegitimate. Once an illegitimate has established the proper person from whom to seek support, within the time and method prescribed by law, that child

is on equal footing and is given equal remedies for establishing child support (Article 13.42 (a), Texas Family Code) and for the enforcement thereof (Title II, Subtitle A, Chapter 14, Texas Family Code).

## III.

## DUE PROCESS

An attack on the subject section of the Texas Family Code on the grounds of deprivation of due process necessitates the inquiry: which due process? It is difficult to determine if the attack is toward substantive procedural, judicial or legislative due process. The two correlative defects referred to in Appellant's Brief (App. Brief 31) relate to the one year statute itself and the absence of any procedure affording a reasonable opportunity for a suit to be brought on the minor's behalf within this period or for

a suitable representative... to file suit.

The latter is simply not a correct reflection of the law or of the coordinated format of the Texas Family Code. The latter is divided into three Titles: Title I. Husband and Wife; Title II. Parent and Child; and Title III. Delinquent Children and Children in Need of Supervision.

Title II has three Subtitles, the first of which is Subtitle A: The Parent-Child relationship and the suit affecting the Parent-Child relationship. Under Subtitle A are seven (7) chapters, Chapters 11 through 17, all of which relate to the parent-child relationship:

Chapter 11. General Provisions

Chapter 12. The Parent-Child Relationship

Chapter 13. Determination of Paternity

Chapter 14. Conservatorship, Possession and Support of Children

Straight away in Section 11.03 (Chapter 11) the Texas Legislature makes provision for Who May Bring Suit as follows:

> "A suit affecting the parent-child relationship may be brought by any person with an interest in the child, including the child (through a representative authorized by the Court), any agency of the state or of a political subdivision of the state and any authorized agency."

Therefore, any argument that there is no one to represent the child other than the child's mother is without merit and lack of procedural due process should not attach.

If no person or entity authorized to act on behalf of the child takes the required action within the required period, it is not the State that has barred the way.

Regarding the imposition, by the 64th Texas Legislature in 1975, of a one-year statute of limitation, both the United States Supreme Court and the Texas Supreme Court have taken the posi-

tions that their roles are not to hypothesize independently on the desireability or feasibility of any possible alternative. Mathews vs. Lucas, 96 S. Ct. 2755, 427 U. S. 495, (1976) Texas Department of Human Resources v. Chapman 570 S. W. 2d 46 (CCA-Dal, 1978 Ref. N.R.E.), Williams v. Luckey 599 S. W. 2d 108 (CCA-Dal, 1980, Ref. N.R.E.)

In the Chapman case, the Court stated: ..."It has long been held that the legislature, not the courts, is entrusted with the responsiblity of considering the public interest of this state regarding limitation of action." (P. 49) and again, at page 49: ..."With respect to paternity actions, the legislative discretion is not subject to judicial review unless the prescribed period is so short as to be tantamount to the "impenetrable barrier" proscribed in Gomez (supra). A one-year limitation is not insurmountably brief, and

although the forfeited right is important, this court is not empowered to invalidate legislative enactments based on our own policy concepts of what a reasonable time would be."

## ARGUMENT

### ENLARGEMENT OF THE TEXAS PATERNITY STATUTE FROM ONE YEAR TO FOUR YEARS

Now that the Texas Legislature has enlarged the time within which to file suit to establish paternity from one year to four years, the question arises: May the law be applied retroactively so that children born after September 1, 1977, benefit?

So far as the Appellee is concerned, whether the answer is yes or no, he would not be affected individually since the Appellant's child was born February 12, 1977, and both the one year and four year limitations have run.

It is the general rule in Texas that after a cause has become barred by the statute of limitation,

the defendant has a vested right to rely on such statute as a defense. Mellinger v. City of Houston, 3 S. W. 249 (Tex. S. Ct. 1887), Wilson v. Work, 62 S. W. 2d 490 (Tex. S. Ct. 1933), Article 1, Section 16, Texas Constitution.

However, if the Court finds that such legislative enactment is procedural or remedial in nature, then the enactments do not fall within the constitutional prohibition. Exxon Corporation v. Brecheen, 526 S. W. 2d 519 (Texas S. Ct. 1975, reversing 519 S. W. 2d 17 - on other grounds), Regal Properties v. Donovitz, 479 S. W. 2d 748 (Tex. CCA-Dal, 1972, Ref. N.R.E.), Holt v. Wheeler, 301 S. W. 2d 678 (Tex. CCA-Gal, 1957, writ dismissed).

And, in Texas, the intention of the Legislature is looked to by the Courts when they are attempted to determine if the enactment is to be given retroactive effect. Merchants Fast Motor Lines, Inc., et al v. Railroad Commission of Texas, 573 S. W.

2d 502 (Tex. S. Ct. 1978)

Senate Bill No. 105 was the legislative enactment by which the Texas paternity statute was amended. (App. 1a) It also included changes in the Texas Probate Code and the Texas Code of Criminal Procedure, and gives precise instructions concerning the time the latter changes are to be given effect. No specific mention is made to the change in Section 13.01, Texas Family Code and it is the opinion of the Appellee that the Texas Legislature intended for such enactment to become the law of the State on September 1, 1981, with all children born subsequent to September 1, 1977, to be covered or protected. When procedural statutes are involved, it is settled that the Legislature may make changes applicable to future steps in pending cases. Phil H. Pierce Co. v. Watkins 263 S. W. 905 (Tex. S. Ct. 1924) The Texas courts reason that a litigant has not vested right in

a procedural remedy and remedial statutes are valid and control litigation from the date they become law. Pierce v. Watkins (supra).

Cases decided in Texas which have held that legislative enactments are remedial in nature and therefore may be given retroactive effect as well as prospective effect include:

> Change of time for filing motion for new trial from 3 days to 10 days. Texas Supreme Court held new change was applicable to judgment entered June 28, 1923, even though law became effective July 1, 1923. Phil H. Pierce v. Watkins (supra)
>
> In sustaining a plea of privilege, the Court held that venue under newly amended statute was proper notwithstanding that the cause of action had arisen prior to such amendement. Holt, et al vs. Wheeler, 302 S. W. 2d 678 (Tex. CCA-Gal, 1957, writ dismissed)
>
> County Court had jurisdiction to hear case, even though at time the suit was filed, the court's jurisdictional limit was $1,000.00 but amount was increased by the Texas Legislature to $5,000.00 during the pendency of the case. Regal Properties v. Donovitz, 479 S. W. 2d 748 (Tex. CCA-Dal 1972, Ref. N.R.E.)
>
> A psychologist who had been in custody of

> sheriff since 1978 for failure to answer an interrogatory was released by the Texas Supreme Court when Legislature enacted statute providing for the confidentiality of mental health information of individuals, such law becoming effective August 27, 1980. Ex-Parte Abell 613 S. W. 2d 255 (Tex. S. Ct. 1981)

Other States apparently hold that statutes may be enforced restrospectively when the application would not take away or impair vested rights acquired under existing law. The State of Illinois, in construing the effect of a "long arm" statute held ..."the service of process statute did not add to or create new liabilities which were then sought to be retrospectively asserted. What the process law does is merely provide for the effectual assertion of that right, a means of doing so through locals courts. As a remedial procedural statute, it could constitutionally apply to supply effective machiner for the assertion of existing substantive rights..."Bluff Creek Oil Co. v. Green 257 F. 2d (Fifth Cir. 1958)

And this Court, in construing a California process statute held that it was remedial and gave the petitioner a forum to enforce whatever substantive rights she might have against the respondent. McGee v. International Life Ins. Co., 355 U. S. 220 (1957).

Likewise, in a United States District Court in Texas, construing Texas laws, has recently held that retroactive constructions of an amendemnt to the Texas long-arm statute so as to authorize personal jurisdiction over a foreign business entity did not violate the Texas Constitution because the amendment was remedial and procedural and did not affect any vested right of the business entity. Dotson v. Fluor Corporation 492 F. Supp. 313 (D. C. Western District, 1980) The court reasoned that even prior to the amendment the Defendant had no vested right not to be sued in Texas.

So it is in this case that a right to establish paternity was granted by the Texas Legislature in

1975. The Legislature has now expanded the time frame within which to enforce such right and such action may be said to afford a remedy, or to improve and facilitate remedies existing for the enforcement of rights. Pratt v. Story, 530 S. W. 2d 325 (Tex. CCA-Amar. 1975, no writ) Likewise, such action may be said to be remedial in nature and may be given retroactive effect, since the Texas Legislature did not specify that the new law was to govern only illegitimate children born after September 1, 1981.

It is Appellee's position that before this Honorable Court rules on the issue presented by Appellant, the Texas Courts should construe the constitutionality of giving retroactive effect to the four year limitation now in effect for filing paternity suits. The Appellee has, by Motion filed concurrently herewith, asked the Court to so rule.

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Alternatively, Appellee would ask this Court to give retroactive effect to the amended statute and uphold the constitutionality of the one-year limitation from September 1, 1975, through September 1, 1977.

II.

EQUAL PROTECTION

Appellant asserts that the one-year limitation for filing suit for paternity encompassed in Section 13.01, Texas Family Code, discriminated against illegitimate children and relies on, as authority therfor, Gomez v. Perez, 409 U.S. 535, 93 S. Ct. 872 (1973). The reliance is misplaced. EXCEPT FOR Gomez v. Perez, the Texas Family Code would probably not contain Section 13.01. The Constitutional right to bring a paternity suit in Texas was first recognized in 1973 when Gomez v. Perez was decided by the Supreme Court of the United States. Thereinafter, the Texas

Legislature enacted Articles 13.01, et seq. wherein it established a statutory framework for providing illegitimate children the constitutional right of support, predicated on their establishing proof of paternity in the prescribed manner and within a prescribed period of time.

Therefore, the Texas Legislature has removed the "invidious discrimination" by providing illegitimate chilren a method of obtaining support from their natural fathers, and has seemingly removed any possible question of violation of equal protection. Although the specific issue was not before the Texarkana Court of Civil Appeals commented on the issue:

> "It is doubtful that an equal question could arise since the Texas Legislature has sought to bestow upon illegigimate rights which they perhaps never had in the past..." In The Interest of B_____ M_____ N_____ 570 S. W. 2d 493 (Tex. Civ. App.—Texarkana, 1978, No Writ History) quoting from page 499.

Appellant does not suggest to the Court which test should be applied to determine whether Article 13.01 does indeed violate the Equal Protection Clause, that is, the rational scrutiny test; the strict scrutiny test; the rationality scrutiny test or the balancing test. Appellant does suggest that the Supreme Court of the United States has mandated in Mathews v. Lucas that courts must give heightened scrutiny in illegitimacy cases. Our Texas Courts would not agree with the interpretation. Our Texas Courts In The Interest of B____ M____ N____ (supra) has said unequivocally that the Supreme Court of the United States has not applied either the rational basis test or the strict scrutiny test, but has applied, instead, a balancing test. In The Interest of B____ M____ N____ 570 S. W. 2d at 499, and citing Weber v. Aetna Casualty & Surety, 406 U.S. 164, 92 S. Ct. 1400 (1972). This confirmed another Texas Court's

interpretation of the test or basis to be applied, when it stated that the pertinent analytical approach is whether the statute bears a rational relationship to a legitimate government interest. Texas Department of Human Resources v. Chapman, 570 S. W. 2d 46 (Tex. Civ. App.—Dallas 1978, No Writ History) with that Court citing Mathews v. Lucas, 427 U.S. 495, 96 S. Ct. 2755 (1976).

Since the enactment of Section 13.01, which allows illegitimates an avenue for seeking support, the only question left to answer is whether the one-year requirement is reasonably related to a legitimate state interest. The Texas Courts have consistently held that it is.

1. The state has a legitimate interest in preventing the litigation of stale or fradulent claims. Department of Human Resources v. Chapman; supra at 49;

2. The opposing party is entitled to a fair opportunity to defend while the evidence is readily available. In The Interest of B____ M____ N____, supra at 502; Texas Department of Human Resources v. Chapman; supra at 49;

3. The state is interested in enhancing accuracy by placing paternity disputes in a judicial forum within a certain time frame. Lalli v. Lalli, 99 S. Ct. 518, 371 N.E. 2d 481 (1978); Texas Department of Human Resources vs. Chapman; supra at 49; In The Interest of B____ M____ N____, supra at 502.

4. The state has an interest in the continuation of the institutions of family and marriage and should take no action to discourage either institution or to encourage persons to have children out of wedlock.

5. The state has an interest in establishing statutes of limitation which rest upon sound public policy in that they tend to promote the peace and welfare of society, safeguard against fraud and oppression and compel the settlement of claims with a reasonable time after their origin and while the evidence remains fresh in the minds of the witnesses. Alvarado v. Gonzales 552 S. W. 2d 539 (Tex. Civ. App.—Corpus Christi, 1977, No Writ History).

It is clear from a reading of all Texas cases decided since the effective date of Section 13.01 (September, 1975) that it has met the constitutional challenge of equal protection and that the one-year limitation is reasonably related to a legitimate state interest.

And, once a Court (whether the United States Supreme Court or our Texas Courts) has found that a

requirement is substantially related to a legitimate state interest, they may not go further and hypothesize on a possible alternative to the statutory scheme. Lalli v. Lalli, supra at 528. Nor is the Court empowered to invalidate legislative enactments based on its own concept of what reasonable time would be. Texas Department of Human Resources v. Chapman, supra at 49. Alvarado v. Gonzales (supra).

Other States have considered "equal protection" and "due process" attacks upon their respective statutes of limitation as they pertain to paternity cases. These are Iowa, in the case of Ex Rel Krupke v. Witkowski (S. Ct. 1977) 256 N. W. 2d 216, reh. denied; the State of Illinois, in the case of Cessna v. Montgomery (S. Ct. 1976) 344 N. E. 2d 447, reversing its Court of Appeals at 329 N. E. 2d 861, and the State of Colorado, in the case of In The Interest of L. B. et al (S. Ct. 1972) 498 P 2d 1157, reh denied, cert denied 410 U. S. 976, 93 S. Ct. 1947, 36 L. Ed 2d 173.

Each of these cases considered the issues presented in this case. The limitations with which they dealt ranged from two to five years. Not one of these limitations was struck down and each Court upheld its respective Statute of Limitation as not violative of the "equal protection" or "due process" guarantees under the United States Constitution, sustaining their respective enactments as within the constitutional authority of their legislatures to imposes.

The issue of the legislative authority to classify children into distinct groups as legitimiate or illegitimate was discussed and sustained in Cessna v. Montgomery, supra and Krupke v. Witkowski, supra. The justification for this classification was founded upon the fundamental difference of illegitimate children from legitimate children, which is the existence of a parent-child relationship with a particular man in the case of the

legitimate and the total absence of such a relationship in the case of the illegitimate child, at birth.

If "due process" is to be afforted a particular man alleged to be the father of a particular illegitimate child, it follows that such allegations must be proved before the man may be required to support such child. This circumstance does not exist in the case of the legitimate child. Legitimate and illegitimate children are not similarly situated classes. Therein lies the constitutional justification for the Legislature to single them out as a class apart from other children. All of Appellant's arguments in this case, such as the right of the Legislature to classify its citizens into different groups, the right to impose a limitation upon the time within which an action to establish paternity may be commenced with a particular man and the placing of minors on an equal footing with adults, whereby the opportunity to establish paternity and thereafter to obtain support, may be lost to the child because of the fault, indifference, ignorance

or neglect of such others, are all discussed in the above cases at length and without exception were found wanting.

III.

DUE PROCESS

Appellant does not suggest whether she complains of the denial of substantive due process, procedural due process, judicial due process or legislative due process, when attacking the Texas paternity statute, as violative of the due process clause of the Fourteenth Amendement to the Constitution of the United States.

Assuming for a moment that she complains of denial of substantive due process, the criteria is balancing the gain to the public interest against its effect on personal and property rights. With the enactment of Article 13.01, Texas Family Code, and the imposition of the one-year limitation, the

Texas Legislature may well have considered the following factors as gains: a) an assurance that paternity suits would be brought before they are stale or become subject to mistake or fraud; b) the opposing party would have a fair opportunity to defend while the evidence was fresh; c) the accuracy and reliability of evidence would be enhanced if suit were brought within a short time; and d) women would be encouraged to enter into family and marital relationships to gain needed support for their children. It would appear that the social necessity of Section 13.01 is a sufficient justification for the imposition of the one-year limitation period. In The Interest of B____ M____ N____ (supra).

Assuming for a moment that Appellant complains of denial of procedural due process, the criteria is whether the petitioner in the paternity case has

an opportunity to be heard; reasonable opportunity to prepare for hearing; the right of cross-examination and confrontation of witnesses. The guarantee of all such elements are encompassed in Subtitle A of the Texas Family Code where it specifies who may bring suit on behalf of a minor in a suit affecting parent-child relationship.

As our Texas Statute of Limitation now stands, every illegitimate child, even though it must of necessity depend upon others, has an equal opportunity to file an action to establish its parent-child relationship with a particular man.

In simple terms of time it cannot be said with justification that one year is an unreasonable time limit within which to require an action to be filed, though we might all agree more time would have been more reasonable.

Appellant makes much of various reasons why mothers of illegitimate children may be unable to

bring these actions within the prescribed time, and thus cause the child to suffer. While this is possibly so, "due process" does not guarantee to legitimate children perfect adult representatives, nor does it guarantee illegitimate children any better. In this respect all children are treated alike. The United States Constitution and in particular the Fourteenth Amendment, does not guarantee persons against arbitrary acts of persons, but only those of States. What is material is whether the State bars the way. Appellant has not said compliance with the present statute is impossible or requires unreasonable effort. The door of opportunity has been opened by the state on an equal basis to all illegitimate children. If adults who have an interest in the minor do not act, it is not the State that has barred their way. The Statute does not present an impenetrable barrier for those who timely file.

And at least one Court summed its opinion of

the entirety of Chapter 13 of the Texas Family Code:

> ..."Our examination of Chapter 13 of the Texas Family Code, and in particular Section 13.05 (a), leads us to conclude that the Texas Legislature has providently afforded illegitimates generally and appellant specially, both substantive and procedural due process." In The Interest of B____ M____ N____ (supra) page 503.

## CONCLUSION

The judgment of the Texas Court of Civil Appeals, Thirteenth Supreme Judicial District, should be affirmed.

Respecfully Submitted,

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ATTORNEYS FOR APPELLEE

# APPENDIX

AN ACT

relating to payment, collection, and enforcement of child support; changing the limitation period for bringing paternity suits; amending the Family Code, as amended, by adding Section 14.12 and by amending Section 13.01; amending Section 37, Texas Probate Code, as amended; and amending Section 4, Chapter 831, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 1911a, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

(SECTION 1 deleted as inapplicable)

SECTION 2. Section 13.01, Family Code, is amended to read as follows:

"Section 13.01. TIME LIMITATION OF SUIT. A suit to establish the parent-child relationship between a child who is not the legitimate child of a

man and the child's natural father by proof of paternity must be brought before the child is four years old, or the suit is barred."

SECTION 3. Section 37, Texas Probate Code, as amended, is amended to read as follows:

"Section 37. PASSAGE OF TITLE UPON INTESTACY AND UNDER A WILL. When a person dies, leaving a lawful will, all of his estate devised or bequeathed by such will, and all powers of appointment granted in such will, shall vest immediately in the devisees or legatees of such estate and the donees of such powers; and all the estate of such person, not devised or bequeathed, shall vest immediately in his heirs at law; subject, however, to the payment of the debts of the testator or intestate, except such as is exempted by law, and subject to the payment of court-ordered child support payments that are delinquent on the date of the person's

death; and whenever a person dies intestate, all of his estate shall vest immediately in his heirs at law, but with the exception aforesaid shall still be liable and subject in their hands to the payment of the debts of the intestate and the delinquent child support payments; but upon the issuance of letters testamentary or of administration upon any such estate, the executor or administrator shall have the right to possession of the estate as it existed at the death of the testator or intestate, with the exception aforesaid; and he shall recover possession of and hold such estate in trust to be disposed of in accordance with the law."

SECTION 4. Section 4, Chapter 831, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 1911a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. Section 5, Article 42.03, Code of Criminal Procedure 1965, as amended, and Section 14.12, Family Code as amended apply when a person is punished by confinement for contempt of court for disobedience of court order to make periodic payments for the support of a child."

SECTION 5. This Act takes effect September 1, 1981. Section 3 of the Act applies to the estates of persons who die on or after the effective date of this Act, and Section 37, Probate Code, as in effect before the effective date of this Act, applies to the estates of persons who die before the effective date of this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house

be suspended, and this rule is hereby suspended.

President of the Senate  Speaker of the House

I hereby certify that S. B. No. 105 passed the Senate on April 22, 1981, by a viva-voce vote; and that the Senate concurred in House amendements on June 1, 1981, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S. B. No. 105 passed the House, with amendments, on May 30, 1981, by the following vote: Yeas 76, Nays 61, one present not voting.

Chief Clerk of the House

Approved:

_____
Date

_____
Governor